



Rule Fact Sheet

March 16, 2010

DEVELOPMENT OF NEW RULES AND AMENDMENTS TO 329 IAC 11 CONCERNING SOLID WASTE PROCESSING FACILITIES #06-70(SWMB)

Overview

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for new rules and amendments to 329 IAC 11 concerning solid waste processing facilities.

Citations Affected

329 IAC 11.

Affected Persons

Owners and Operators of Solid Waste Processing Facilities.

Reason(s) for the Rule

The existing transfer station rule has not undergone significant revision since the early 1990s. The objectives of this rulemaking are to revise the transfer station rule and to generally make the language of 329 IAC 11 more clear, to maintain consistency with relevant statutes and other solid waste rules, and to improve the organization of the rule to allow for easier location of pertinent requirements.

Economic Impact of the Rule

There is minimal fiscal impact associated with this rulemaking. This rulemaking does not impose any additional requirements but clarifies, makes consistent, and improves the organization of the existing rule.

Benefits of the Rule

This rule will make 329 IAC 11 as consistent as feasible with the standards in 329 IAC 10 and other processing requirements. Reorganization of 329 IAC 11 will make the rule easier to follow.

Description of the Rulemaking Project

This proposed rulemaking proposes to clarify existing rule language for the following: definitions, exclusions, zoning requirements, application and design standards, operating standards, closure and post-closure requirements.

Scheduled Hearings

First Public Hearing: July 21, 2009, 1:30 p.m., Indiana Government Center South, Conference Center Room A.
Second Public Hearing: November 17, 2009, 1:30 p.m., Indiana Government Center South, Conference Center Room A.
Second Public Hearing: March 16, 2010, 1:30 p.m., Indiana Government Center South, Conference Center Room A.

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
 - (A) human, plant, animal, or aquatic life; or
 - (B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

There are no federal requirements.

Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published that contains the comments and the department's responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Solid Waste Management Board holds the first meeting/hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule must be approved by the Attorney General and the Governor. When approved, the rule becomes effective 30 days after filing with the Indiana Register.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Lynn West, Rules Development Branch, Office of Legal Counsel, (317) 232-3593 or (800) 451-6027 (in Indiana).

